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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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NOTICE OF ALLOWANCE AND FEE(S) DUE

020988 7590 08/26/2005
OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

RECEIVED

SEP 16 2005

EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 08/26/2005

Issue Fee on
DUE ON NOV 26 2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,798	08/22/2001	Denis Faucher	15309-1US GCMG	7972

TITLE OF INVENTION: INTEGRAL WATERPROOFING MEMBRANE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	11/28/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

11/25/2005-MBEYENE2-00000019-09933798
01 FC:2501 700.00 OP
If the SMALL ENTITY is shown as NO, 02 FC:1504 300.00 OP

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



David M. Eramian
Direct Line: (514) 877-2992
E-mail address: deramian@lavery.qc.ca



\$

Montréal, November 21, 2005

BY MESSENGER

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401, Dulany Street
Alexandria, Virginia, 22314
United States

Re: Payment of Issue fee and Publication fee
Application: 09/933,798
Title of invention: Integral waterproofing membrane
First named inventor: Denis Faucher

Dear Sir,


I am writing to you in my capacity as director of Materiaux DFC Inc.

Please find enclosed herewith a bank draft in the amount of \$1,000.00 US in payment of the Issue fee and Publication fee for the above mentioned patent.

I also attached the Notice of Allowance and the Confirmation of Small Entity Qualification in the United States.

Yours very truly,

LAVERY, DE BILLY



David M. Eramian

DME/kr
c.c.: Yvon Thibeault
Encl.

i:\txt\036\003802\00001\us patent let 21-11-05.doc

Montréal
Suite 4000
1 Place Ville Marie
Montréal, Quebec
H3B 4M4
Telephone: (514) 871-1522
Fax: (514) 871-8977

Québec City
Suite 500
925 chemin Saint-Louis
Québec, Quebec
G1S 1C1
Telephone: (418) 688-5000
Fax: (418) 688-3458

Laval
Suite 500
3080 boul. Le Carrefour
Laval, Quebec
H7T 2R5
Telephone: (450) 978-8100
Fax: (450) 978-8111

Ottawa
Suite 1810
360 Albert Street
Ottawa, Ontario
K1R 7X7
Telephone: (613) 594-4936
Fax: (613) 594-8783

Web Site
www.laverydebilly.com

Trade-mark Agents



OGILVY RENAULT

CONFIRMATION OF SMALL ENTITY QUALIFICATION IN THE UNITED STATES

The government fees to be paid at filing, grant and post-grant maintenance are reduced by 50% for small entities. The savings at filing and grant is about US\$1000. To qualify for this reduction in fees, no rights to use the invention described in the patent application should have been licensed, assigned or otherwise granted, by you or any other co-owner or licensee, to any "large" entity having **more than 500 employees** (except for nonprofit organizations as defined below). An obligation to grant any rights, even such as a "right to first refusal", to a large entity may disqualify you as a small entity. The size of the large entity will include its affiliates, as defined in the Small Business Administration rules (13 Code of Federal Regulations (CFR) Part 121).

If you are uncertain as to your qualification as a small entity, it is best to declare large entity status, since a false declaration can invalidate the US patent. The definition of a small entity is found in the US Patent Rules, 37CFR§1.9 as follows:

37CFR§1.9

(c) *An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.*

(d) *A small business concern as used in this chapter means any business concern meeting the size standards set forth in 13 CFR Part 121 to be eligible for reduced patent fees. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.*

(e) *A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e) (2) or (3) of this section if it were located in this country.*

(f) *A small entity as used in this chapter means an independent inventor, a small business concern, or a nonprofit organization eligible for reduced patent fees.*

I have read the above and believe that, with respect to the invention related to Ogilvy Renault's file identified below, the patent owners qualify to pay reduced fees as a small entity. I authorize Ogilvy Renault to pay reduced fees as a small entity, and I will notify Ogilvy Renault of any change in this qualification.

OR File No.: Title :

No de dossier OR : **15309-1US**

Titre : **INTEGRAL WATERPROOFING MEMBRANE**

Name of Patent Owner:

Nom du propriétaire: **Matériaux DFC Inc.**

Name and title of signing officer (if applicable):

Nom et titre de l'officier autorisé (s'il y a lieu) : **Denis Faucher**

Signature and date :

Signature et date:

CONFIRMATION DU DROIT AU STATUT DE PETITE ENTITÉ POUR LES ÉTATS-UNIS

Les taxes gouvernementales à payer lors du dépôt, de la délivrance et pour le maintien après délivrance sont réduites de 50% pour les petites entités. L'économie lors du dépôt et de la délivrance est d'environ 1000\$ US. Pour être éligible à cette réduction de la taxe, des droits d'utilisation de l'invention ne doivent pas être sous licence, cédés ou autrement attribués, par vous ou par tout autre co-propriétaire ou licencié, à une « grande » entité **ayant plus de 500 employés** (à l'exception des organismes à but non lucratif tel que défini plus bas). Une obligation de céder tout droit, même un « droit de premier refus », à une grande entité peut vous disqualifier en tant que petite entité. Pour calculer la grosseur d'une grande entité, on inclut les filiales, tel que défini dans les règles du « Small Business Administration » (13 Code of Federal Regulations (CFR) Part 121).

Si vous êtes incertain de vous qualifier comme petite entité, il est préférable de déclarer un statut de grande entité, puisqu'une fausse déclaration pourrait invalider le brevet américain. La définition d'une petite entité est la suivante et peut être retrouvée dans les règles américaines sur les brevets. (37 CFR§1.9)

13CFR§121.802

A concern eligible for reduced patent fees is one: (a) Whose number of employees, including affiliates, does not exceed 500 persons; and (b) Which has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under this section.

13CFR§121.1001(b)(5)

For eligibility to pay reduced patent fees, the following entities may request a formal size determination:

- (i) The applicant for the reduced patent fees; and
- (ii) The Patent and Trademark Office.

J'ai lu la présente et crois que, en relation avec l'invention dont le numéro de dossier Ogilvy Renault est indiqué plus bas, les propriétaires se qualifient pour payer la taxe réduite en tant que petite entité. J'autorise Ogilvy Renault à payer la taxe réduite pour une petite entité et nous informerons Ogilvy Renault de tout changement au niveau de ce statut.

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,798	08/22/2001	Denis Faucher	15309-IUS CC/MG	7972
020988	7590	08/26/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			RUDDOCK, ULA CORINNA	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 08/26/2005				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

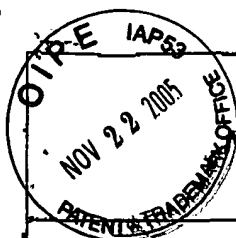
The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

571 272 4200



Notice of Allowability

Application No.

09/933,798

Applicant(s)

FAUCHER, DENIS

Examiner

Ula C. Ruddock

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/28/05.
2. ☒ The allowed claim(s) is/are 1,4 and 6-10.
3. ☒ The drawings filed on 22 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7/28/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____